

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HACH PHETH,

Petitioner,

v.

MELISSA ANDREWJESKI,

Respondent.

CASE NO. C22-1266 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge Michelle L. Peterson's Report and Recommendation ("R&R") recommending that this Court deny Petitioner Hach Pheth's 28 U.S.C. § 2254 habeas petition and dismiss this case with prejudice, Dkt. 9. Specifically, Judge Peterson recommends denying Pheth's petition because he failed to exhaust all his claims in state court and because the one claim that could be considered exhausted fails on the merits. *Id.* She further recommends that the Court deny Pheth a certificate of appealability. *Id.* The Court, having considered the R&R and the remaining record and no objections having been filed, does hereby order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Petitioner's petition for habeas corpus, Dkt. 4, is **DENIED** and this action is **DISMISSED with prejudice**;

1 (3) A certificate of appealability is **DENIED** as to all claims; and

2 (4) The Clerk is directed to send a copy of this Order to the parties and Judge
3 Peterson.

4 Dated this 13th day of February, 2023.

5
6 

7 BENJAMIN H. SETTLE
United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22